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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES M HINKLEY,

12 Plaintiff,

13 v.

14 SCOTT RUSSELL, et al,

15 Defendants.

CASE NO. 13-5178 RJB/JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendation of U.S.
17 Magistrate Judge J. Richard Creatura. Dkt. 20. The Court has considered the Report and
18 Recommendation, objections, and the remaining file.

19 The facts and procedural history are contained in the Report and Recommendation (Dkt.
20 20, at 1-5) and are adopted here. The Report and Recommendation recommends that the
21 Defendants' Motion for Summary Judgment (Dkt. 17) be granted and Plaintiff's Motion for
22 Summary Judgment (Dkt. 16) be denied and the case dismissed. Dkt. 20. The Report and
23 Recommendation also recommends, that to the extent that Plaintiff references state law claims in
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1 his Motion for Summary Judgment, that the Court decline make a ruling on any such claims
2 because they were not in the Complaint. *Id.*

3 The Report and Recommendation (Dkt. 20) should be adopted and the case dismissed.
4 Plaintiff's objections (Dkt. 21) are without merit. In his objections, Plaintiff repeats his prior
5 arguments. He argues that his hearings were "unfair," that the hearing officers were "bias," and
6 that Officer Edgington lied and used false evidence against him. Dkt. 21. He asserts that he did
7 not have access to his materials because he was in the intensive management unit. Dkt. 21.
8 Each of these issues are addressed in the Report and Recommendation (Dkt. 20). It should be
9 adopted and the case dismissed.

10 It is **ORDERED** that:

- 11 1) The Report and Recommendation (Dkt. 20) **IS ADOPTED**;
12 2) Plaintiff's Motion for Summary Judgment (Dkt. 16) **IS DENIED**;
13 3) Defendants' Motion for Summary Judgment (Dkt. 17) **IS GRANTED**;
14 4) The case **IS DISMISSED**; and
15 5) The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge
16 J. Richard Creatura, all counsel of record and to any party appearing *pro se* at said
17 party's last known address.

18 Dated this 7th day of October, 2013.

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21 ROBERT J. BRYAN
22 United States District Judge
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